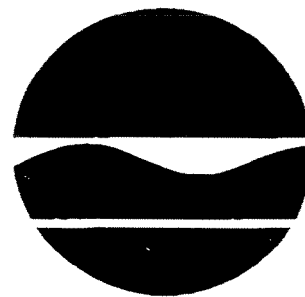


APPENDIX B
FEDERAL REGISTER NOTICES



ENB

*Official Publication of the
New York State Department of
Environmental Conservation*



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Environmental Notice Bulletin

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Issue No. 12

March 20, 1996

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Region 9

March 20, 1996

ENB Issue No. 9

The project is located immediately west of NYS Route 242 between Sunset Hill Road and Maple Valley Road. The dike for the Bundic Wildlife Marsh will be 65 feet north of, and parallel to, Sunset Hill Road.

Contact: Jeffrey E. Dietz, Environmental Analyst I, NYSDEC - Region 9, 270 Michigan Ave., Buffalo, NY 14203-2999, (716)851-7165

Positive Declaration and Public Scoping Session

Erie County - The Town of Amherst, as lead agency, has determined that the proposed **Boulevard Consumer Square** may have a significant environmental impact and a draft Environmental Impact Statement must be prepared.

The action involves a rezoning of 37.2 acres of land from Research Development (RD) to General Business (GB) to allow construction of 445,893 sq. ft. of retail space and 2026 parking spaces. This area is proposed to be developed in conjunction with a 10.8 acre parcel located adjacent westerly that fronts on Niagara Falls Blvd. Proposed totals for entire development are as follows: 48 acres, eleven buildings, 554,860 gross square feet of retail space and 2816 parking spaces. The proposal also includes an easterly extension of existing Romney Dr. to North Bailey Ave.

The project is located at 1621 Niagara Falls Blvd. Town of Amherst, Erie County.

Final date for written comments is **March 28, 1996**. The Draft Scope is available for review at the Town of Amherst Planning Department, 5583 Main St., Williamsville, NY 14221.

Contact: Joseph J. Gillings, Planning Director, Town of Amherst Planning Dept., 5583 Main St., Williamsville, NY 14221, (716)631-7051

Draft EIS

Cattaraugus County - The NY State Energy Research and Development Authority, as lead agency, has accepted a draft EIS on the proposed **Completion of West Valley Demonstration Project and Closure or Long-Term Management of the Facilities at the Western NY Nuclear Service Center**. Comments are requested on the Draft EIS and will be accepted by the contact person until **September 22, 1996**.

The action involves the Western New York Nuclear Service Center (Center) is the site of a former spent nuclear fuel reprocessing facility and other radioactive materials management facilities. The NY State Energy Research and Development Authority (NYSERDA) holds title to the site on behalf of the people of the State of NY. A central 200-acre portion of the site includes the reprocessing building and associated facilities, tanks containing high-level radioactive waste from reprocessing operations, waste storage facilities, and two radioactive waste disposal areas. the West Valley Demon-

stration Project is a joint federal-state cleanup under which the United State Department of Energy (DOE), in cooperation with NYSERDA, will solidify the high-level radioactive waste, transport the solidified waste for disposal at an appropriate federal repository, dispose of the low-level and transuranic waste produced by the solidification of the high-level waste and decontaminate and decommission all facilities used in solidifying the high-level waste. In 1982, a Final EIS was issued by DOE concerning Long-Term Management of the Liquid High-Level Wastes.

This Draft EIS addresses the completion of the West Valley Demonstration Project by DOE and long-term management of the balance of the site by NYSERDA and was prepared jointly by the two agencies. DOE is the lead agency for review under the National Environmental Policy Act. NYSERDA is the lead under the State Environmental Quality Review Act.

This Draft EIS analyzes the impacts of five alternatives for completion of the Demonstration Project and closure or long-term management of the facilities at the Center.

The project is located on Rock Springs Road in the Town of Ashford, Cattaraugus County, with a small portion extending into the Town of Concord, Erie County. The Center is located with Region 9 of the NYS DEC.

Contact: Tom Attridge, NYS Energy Research & Development Authority, PO Box 191, WV-17, West Valley, NY 14171-0191, (716)942-2453

PUBLIC NOTICE

Chautauqua County - The Department of Environmental Conservation has determined that the Registry of Inactive Hazardous Waste Disposal Sites in New York State needs to be amended to delete site number 907012, known as the J & S Auto Supply. The reason for this deletion is as follows:

A site investigation was conducted in 1994 which included sampling of soils, groundwater and soil gas. No hazardous waste found during this investigation. No further action is necessary at this site.

The site is located in the City of Jamestown in the County of Chautauqua and is located at 1084 East Second Street. Written comments on this proposed deletion are welcome, and must be received by the contact person by **April 20, 1996**. A summary of all written comments will be assembled and a summary will be available for viewing at the Region 9 Headquarters - 270 Michigan Ave., Buffalo, NY 14203-1299.

Contact: Gerard Pietraszek, NYSDEC, Region 9, 270 Michigan Ave., Buffalo, NY 14203-1299

ENB - STATEWIDE NOTICES

Completed Applications
Consolidated SPDES Renewals

Public Notice

Availability of Notice of Intent to Prepare an Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center

SUMMARY: The U.S. Department of Energy (DOE) and the New York State Energy Research and Development Authority (NYSERDA) are announcing their intent to prepare an Environmental Impact Statement (EIS) for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project (WVDP) and Western New York Nuclear Service Center (also known as the "Center"). The U.S. Nuclear Regulatory Commission (NRC), the U.S. Environmental Protection Agency (EPA), and the New York State Department of Environmental Conservation (NYSDEC) will participate as cooperating agencies under the National Environmental Policy Act (NEPA, 42 USC 4321 et seq.). In addition, NYSDEC will participate as an involved agency under the New York State Environmental Quality Review Act (SEQRA) with respect to NYSERDA's proposed actions. DOE, under NEPA, and NYSERDA, under SEQRA, plan to evaluate the range of reasonable alternatives in this EIS to address their respective responsibilities at the Center, including those under the West Valley Demonstration Project Act (Public Law 96-368), Atomic Energy Act of 1954 (as amended), and all other applicable Federal and State statutes.

This EIS will revise the Draft Environmental Impact Statement for Completion of the West Valley Demonstration Project and Closure or Long-Term Management of Facilities at the Western New York Nuclear Service Center (DOE/EIS-0226-D, January 1996, also referred to as the 1996 Cleanup and Closure Draft EIS). Based on decommissioning criteria for the WVDP issued by NRC since the Cleanup and Closure EIS was published, DOE and NYSERDA propose to evaluate five alternatives: Unrestricted Site Release, Partial Site Release without Restrictions, Partial Site Release with Restrictions, Monitor and Maintain under Current Operations, and No-Action.

DATES: DOE and NYSERDA are inviting public comments on the scope and content of the Decommissioning and/or Long-Term Stewardship EIS. Comments must be received by April 28, 2003. DOE and NYSERDA will hold two public scoping meetings on the EIS at the Ashford Office Complex, located at 9030 Route 219 in the Town of Ashford, NY, from 7:00 to 9:30 p.m. on April 9, 2003 and April 10, 2003.

ADDRESSES: Address comments on the scope of the Decommissioning and/or Long-Term Stewardship EIS to the DOE Document Manager:

Mr. Daniel W. Sullivan
West Valley Demonstration Project
U.S. Department of Energy, WV-49
10282 Rock Springs Road
West Valley, New York 14171
Telephone: (800) 633-5280
Facsimile: (716) 942-4199
E-mail: sonja.allen@wvnsco.com

FOR FURTHER INFORMATION, CONTACT: For information regarding the WVDP or the EIS, contact Mr. Daniel Sullivan as described above. Those seeking general information on DOE's NEPA process should contact:

Ms. Carol M. Borgstrom, (EH-42)
Director
Office of NEPA Policy and Compliance
U.S. Department of Energy
1000 Independence Avenue, SW
Washington, D.C. 20585
Telephone: (202) 586-4600
Facsimile: (202) 586-7031
or leave a message at 1-800-472-2756, toll-free.

Questions for NYSERDA should be directed to:

Mr. Paul J. Bembia
New York State Energy Research and Development Authority
10282 Rock Springs Road
West Valley, New York 14171
Telephone: (716) 942-4900
Facsimile: (716) 942-2148
E-mail: pjb@nyserda.org

Those seeking general information on the SEQRA process should contact:

Mr. Hal Brodie
Deputy Counsel
New York State Energy Research and Development Authority
17 Columbia Circle
Albany, New York 12203-6399
Telephone: (518) 862-1090, ext. 3280
Facsimile: (518) 862-1091
E-mail: hb1@nyserda.org

DOE and NYSERDA have prepared a detailed Notice of Intent for the Environmental Impact Statement which is available on the internet at www.nyserda.org/programs/ and at <http://tis.eh.doe.gov/nepa> under "What's New."

Additional information about NYSERDA's West Valley Site Management Program is available on the internet at www.nyserda.org/programs/ Additional information about the WVDP is available on the internet at www.wv.doe.gov/linkingpages/insidewestvalley.htm

6 NYCRR Part 205, Architectural and Industrial Maintenance (AIM) Coatings, and amend Part 200, General Provisions.

The Department proposes to amend Part 205 to revise the architectural coatings volatiles organic compound (VOC) limits that are found in New York State regulation. It will set specific VOC limits (in grams per liter) for 52 AIM coating categories and require compliance with those limits by January 1, 2005. Also being amended is Part 200, General Provisions, and New York's State Implementation Plan.

Pursuant to Environmental Conservation Law (ECL) Sections 1-0101, 3-0301, 19-0103, 19-0105, 19-0301, and 19-0305, the Department hereby gives notice of the following joint hearings for the proposed rulemaking and State Implementation Plan at the following locations and times:

| | |
|-------------------|--|
| April 28, 2003 | 1 p.m. NYSDEC Annex, Region 2, 11 - 15 47th Avenue, Hearing Room 106, Long Island City NY 11101 |
| April 30, 2003 | 1 p.m. Mahoney State Office Building, 65 Court Street, Hearing Room Part 1, Buffalo NY 14203 |
| May 2, 2003 | 1 p.m. NYSDEC, 625 Broadway, Public Assembly Rooms 129A & B, Albany NY 12233 |

The hearings are scheduled in places that are reasonably accessible to persons with impaired mobility. At the hearings, the Department will provide interpreter services for deaf persons at no charge. Written requests are required and should be submitted by April 14, 2003 to Stephanie Liddle, NYSDEC, 625 Broadway, Albany NY 12233-3251, slxiddle@gw.dec.state.ny.us 518 402-8396.

Pursuant to Part 617 of the implementing regulations for the State Environmental Quality Review Act, the Department has prepared a Negative Declaration stating that the proposed action will not have an adverse effect on the environment.

The Department invites all persons, organizations, corporations, and government agencies that may be affected by the proposed revisions to attend the hearings. At

each hearing, persons who wish to make a statement will be invited to speak. It is requested that oral statements also be submitted in writing. The Department will give equal weight to written and oral statements, and since a cumulative record will be compiled it is not necessary for interested parties to attend each hearing.

Information may be obtained from Daniel S. Brinsko, NYSDEC Division of Air Resources, 625 Broadway, Albany NY 12233-3251, telephone: 518 402-8396; email, dsbrinsk@gw.dec.state.ny.us. Written statements will be received until 5 p.m., May 12, 2003.

The proposed regulation may be obtained from any of the following Department offices:

Region 1, Building #40, State University of New York, Stony Brook, NY 11790, Attention: Ajay Shah

Region 2, Hunters Point Plaza, 47-40 21st Street, Long Island City, NY 11101, Attention: Sam Lieblich

Region 3, 21 South Putt Corners Road, New Paltz, NY 12561, Attention: Robert Stanton

Region 4, 1150 North Westcott Rd., Schenectady, NY 12306, Attention: Rick Leone

Region 5, Hudson Street Extension, Box 220, Warrensburg, NY 12885, Attention: Michael Stawarz

Region 6, Watertown State Office Bldg , 317 Washington St , Watertown, NY 13601, Attn: Tom Morgan

Region 7, 615 Erie Boulevard West, Syracuse, NY 13204-2400, Attention: Reginald Parker

Region 8, 6274 East Avon-Lima Road, Avon, NY 14414, Attention: Thomas Marriott

Region 9, 270 Michigan Ave., Buffalo, NY 14202, Attention: Larry Sitzman

Meeting Notice

Stakeholders Group for the Distributed Generation Rule Making Project

The New York State Department of Environmental Conservation hereby gives notice that a meeting of the Stakeholders Group for the Distributed Generation Rule Making Project will be held on:

April 8, 2003 9:30 AM Public Assembly Room 129A
NYS DEC Main Office
625 Broadway
Albany, New York 12233

The purpose of the Stakeholders Group is to provide guidance to the Department as it prepares rules for regulating distributed generation sources. Distributed generation (DG) sources are those that are used to produce electricity and/or heating at the facility where the DG sources are located. The purpose of the meeting to be held on April 8, 2003 is to discuss the Department's initial proposal for emission limits which would apply to DG sources. These proposed standards will be made available to the members of the Stakeholders Group on or about March 25, 2003 and may be obtained by contacting John Barnes, P.E. of the NYSDEC Division of Air Resources at (518) 402-8396, or via e-mail at jdbarnes@gw.dec.state.ny.us

The meeting is open to the public.

Revised Public Notice

Environmental Board Meeting

The State Department of Environmental Conservation hereby gives notice that a meeting of the Environmental Board will be held at 2:00 p.m., March 26, 2003 in Room 129B of the Department's main offices at 625 Broadway, Albany, New York.

The Environmental Board will consider the following rulemaking action of the Department of Environmental Conservation:

- 6NYCRR Part 237: Acid Deposition Reduction Nox Budget Trading Program and Part 238: Acid Deposition Reduction SO2 Budget Trading Program

This meeting is open to the public.

Notice of Availability

Notice of Availability of Commissioner Policy on Environmental Justice and Permitting

The New York State Department of Environmental Conservation (DEC) has issued a Commissioner Policy on Environmental Justice and Permitting (Policy). The policy contains groundbreaking elements which will lead the nation in environmental justice. The policy incorporates environmental justice concerns into its environmental permit process and amends the DEC environmental permit process

by: among other things, identifying potential environmental justice areas; providing information on environmental justice to applicants with proposed projects in those communities; enhancing public participation requirements for proposed projects in those communities; establishing requirements for projects in potential environmental justice areas with the potential for at least one significant, adverse environmental impact; providing alternative dispute resolution opportunities to allow communities and project sponsors to resolve issues of concern to the community, and establishing a technical assistance grant program to enable community groups in potential environmental justice areas to more effectively participate in the environmental permit review process.

Pursuant to Environmental Conservation Law 70-0105, the policy shall become effective 30 days after this notice has been published in the Environmental Notice Bulletin. The policy can be obtained at www.dec.state.ny.us/website/ej/index.html or by writing, faxing or e-mailing the contact person.

Contact: Monica L. Abreu, Esq.
Environmental Justice Coordinator
New York State Department of Environmental Conservation
625 Broadway, Albany, NY 12233-1500
Phone (518) 402-8556
Toll Free 1 (866) 229-0497
Facsimile (518) 402-9018
Email: ej@gw.dec.state.ny.us

Notice of Emergency Adoption

Pursuant to the Environmental Conservation Law, sections 1-0101(3)(b), 1-0101(3)(d), 3-0301(1)(d), 3-0301(1)(i), 3-0301(2)(m) and 9-0105(1) the Department of Environmental Conservation hereby gives notice of the following:

Adoption of Emergency Regulations to amend 6NYCRR Section 196.4, Operation of Mechanically Propelled Vessels and Aircraft in the Forest Preserve

For further information contact: Peter Frank, Bureau of Forest Preserve Management, NYS DEC, 625 Broadway, Albany, New York 12233-4254, phone: (518) 473-9518.

Draft Environmental Impact Statement for Completion of the West Valley Demonstration Project and Closure or Long-Term Management of Facilities at the Western New York Nuclear Service Center

AGENCY: United States Department of Energy.

ACTION: Notice of availability and notice of wetlands involvement.

SUMMARY: The U.S. Department of Energy (DOE) and the New York State Energy Research and Development Authority (NYSERDA) announce the availability for public review and comment of the Draft Environmental Impact Statement (EIS) for Completion of the West Valley Demonstration Project (Project) and Closure or Long-Term Management of Facilities at the Western New York Nuclear Service Center (Center). DOE also gives public notice that the alternatives analyzed in the EIS include proposed actions that would occur in wetlands. The EIS evaluates alternatives for integrated sitewide actions to complete DOE decontamination and decommissioning activities and provide for NYSERDA's closure or long-term management of facilities at the Center. This joint EIS supports the selection of the site management strategy and will assist NYSERDA and DOE in making decisions for future site closure or management activities. DOE and NYSERDA will identify the selected site management strategy in a National Environmental Policy Act (NEPA) Record of Decision and in State Environmental Quality Review Act (SEQRA) Findings, respectively. If necessary, additional NEPA or SEQRA documents will be prepared for DOE and NYSERDA actions not specifically addressed in this document.

DATES: The comment period on the Draft EIS will continue until September 22, 1996. Comments postmarked after that date will be considered to the extent practicable. Public meetings will be held at the locations and dates listed in the supplementary information section of this notice.

ADDRESSES: Requests for information about, and copies of, the Draft EIS should be directed to the Community Relations Department of the West Valley Demonstration Project, P.O. Box 191, West Valley, NY 14171-0191, or by calling (800) 633-5280 or (716) 942-2152.

Written comments on the Draft EIS should be mailed to the following address:

Draft EIS, Community Relations Dept./MS-A, West Valley Demonstration

Project, P.O. Box 191, West Valley, New York 14171. Fax: (716) 942-4703, Internet: <http://freenet.buffalo.edu/wvdp/eisform.htm>

For general information on the DOE NEPA process, call (800) 472-2756 to leave a message, or contact:

Carol Borgstrom, Director, Office of NEPA Policy and Assistance (EH-42), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585-0119, (202) 586-4600

For general information on the New York State Environmental Quality Review Act (SEQRA) process, call (518) 457-2224 to leave a message or contact:

Jack Nasca, Regulatory Services, New York State Department of Environmental Conservation, 50 Wolf Road, Room 538, Albany, NY 12233-1750

Availability of the Draft EIS: Copies of the Draft EIS have been distributed to federal, state, tribal and local officials, as well as agencies, organizations and individuals who may be interested or affected. Copies of the Draft EIS are also available for public review at the locations listed at the end of this Notice.

SUPPLEMENTARY INFORMATION:

Background

On December 27, 1988, DOE issued a Notice of Intent (53 FR 53052) to prepare the Environmental Impact Statement for Completion of the West Valley Demonstration Project and Closure or Long-Term Management of Facilities at the Western New York Nuclear Service Center. The Notice of Intent stated that the EIS would evaluate alternatives for completing the Project and closure or long-term management of facilities at the Center which is located near Buffalo, New York. The public comment period on the Notice of Intent extended from December 27, 1988 to February 23, 1989, with two public scoping meetings.

DOE issued an Implementation Plan in March 1995 that recorded the results of the scoping process.

The Center is the site of a former spent nuclear fuel reprocessing facility. NYSERDA holds title to the site on behalf of the people of the State of New York. The site includes the process building and associated facilities, waste storage facilities, two radioactive waste disposal areas, and tanks containing liquid high-level radioactive waste from past reprocessing operations. The West Valley Demonstration Project is a joint federal-state cleanup under which DOE, in cooperation with NYSERDA, will solidify the high-level radioactive waste,

transport the solidified waste for disposal at an appropriate federal repository, dispose of the low-level and transuranic waste produced by the solidification of the high-level waste, and decontaminate and decommission all facilities used in solidifying the high-level waste. In 1982, a Final EIS was issued by DOE concerning long-term management of the liquid high-level wastes. On the basis of that earlier EIS, DOE decided to concentrate, chemically treat, and convert the liquid high-level wastes to a solid terminal waste form suitable for transportation offsite and eventual disposal in a federal geologic repository.

The current EIS evaluates alternatives for integrated sitewide actions to complete DOE decontamination and decommissioning activities and provide for NYSERDA's closure or long-term management of facilities at the Center. This EIS evaluates the treatment, storage, and disposal of high-level, low-level, low-level mixed, hazardous, and industrial waste and contaminated soil. This EIS is being prepared in accordance with the requirements of NEPA of 1969; with Council on Environmental Quality regulations implementing NEPA (40 CFR Parts 1500-1508), and DOE NEPA Implementing Procedures (10 CFR Part 1021); and with the New York State Environmental Quality Review Act (SEQRA). This joint EIS provides environmental information to support the selection of the site management strategy and will assist NYSERDA and DOE in making decisions for future site closure or management activities. The Nuclear Regulatory Commission is a cooperating agency in the preparation of this EIS. DOE and NYSERDA will identify the selected site management strategy in a NEPA Record of Decision and in SEQRA Findings, respectively. If necessary, additional NEPA or SEQRA documents will be prepared for DOE and NYSERDA actions not specifically addressed in this document.

Alternatives Considered

Five alternatives for Project completion and closure or long-term management of the facilities at the Center are analyzed in this EIS. These five alternatives were identified after considering comments received during the scoping process. The five alternatives are:

Alternative I: Removal and Release to Allow Unrestricted Use. Alternative I is the removal of existing facilities including buried waste so there are minimal remnants of nuclear operations. All waste would be disposed of offsite.

Alternative II: Removal, On-Premises Waste Storage, and Partial Release to Allow Unrestricted Use. Alternative II is the removal of existing facilities including buried waste so there are minimal remnants of nuclear operations, with the exception of on-premises storage of high-level, low-level, and low-level mixed waste. Hazardous and industrial waste would be disposed of offsite.

Alternative III: In-Place Stabilization and On-Premises Low-Level Waste Disposal. Alternative III is the in-place stabilization of contaminated structures and buried waste. Uncontaminated structures would be removed. Low-level waste would be disposed of onsite. All other waste would be disposed of offsite.

Alternative IV: No Action: Monitoring and Maintenance. Alternative IV is the management of the site in its current configuration. There would be long-term monitoring and maintenance. Only hazardous waste would be disposed of offsite.

Alternative V: Discontinue Operations. Alternative V is the discontinuation of operations; the site would be left in its current configuration. No closure actions would be taken. All waste would be left onsite.

Alternative IV (No Action: Monitoring and Maintenance) is required by NEPA and SEQRA regulations to be considered in order to establish a baseline for comparison with the environmental effects of the "action" alternatives. Alternatives II (On-Premises Storage) and V (Discontinue Operations) were evaluated in the EIS in response to comments received during the scoping process. Although Alternative V is not considered a reasonable alternative by either DOE or NYSERDA, it provides an environmental baseline for evaluating impacts. The long-term performance assessment (an analysis of the effects that contaminated facilities would have on human health and the environment over the long term) of Alternative V gives an understanding of the long-term public hazard and contribution of natural processes, such as surface water flow or erosion, to that hazard. Table S-1 in the EIS summarizes the actions for each alternative, including the disposition of newly generated and stored waste. Neither DOE nor NYSERDA has identified a preferred alternative.

The alternatives include proposed actions that would occur in wetlands. Pursuant to 10 CFR Part 1022, the Draft EIS includes an assessment of the potential impacts to wetlands.

Invitation to Comment

The public is invited to submit written and oral comments on any or all portions of the Draft EIS. Public information sessions on the Draft EIS will be held in the Western New York area in April 1996, including sessions planned specifically to share EIS information with members of the Seneca Nation of Indians. The dates, times and locations of the public information sessions are as follows:

Tuesday, April 23, 1996, 1:00–9:00 p.m.,
Seneca Nation Reservation, Irving, NY

Wednesday, April 24, 1996, 1:00–9:00
p.m., McKinley Park Inn, McKinley
Parkway, Hamburg, NY

Thursday, April 25, 1996, 1:00–9:00
p.m., Seneca Nation Reservation,
Salamanca, NY

Friday, April 26, 1996, 1:00–9:00 p.m.,
Ashford Office Complex, Route 219,
Ashford, NY

These sessions will also be announced through public notices in area newspapers, press releases, Internet notifications and through Seneca Nation advertising media. These sessions will be conducted as "poster presentations" with the DOE, NYSERDA, and EIS contractor personnel available to explain and discuss topics and issues related to the Draft EIS.

In addition, DOE and NYSERDA are planning to hold one public hearing, on August 6, 1996, to receive oral and written comments on the Draft EIS. Further information regarding the EIS will be available by calling (800) 633–5280 (toll free), or, for those who receive a copy of the EIS, by contacting the personnel identified in the Summary of the Draft EIS.

Written comments on the Draft EIS will be accepted until September 22, 1996, at the New York address at West Valley (provided above). DOE and NYSERDA will consider these public comments in preparing the Final EIS.

Persons who wish to speak at the public hearing are asked to register in advance by calling the following toll-free number: (800) 633–5280. Requests to speak that have not been submitted before the hearing will be handled in the order in which they are received. DOE's and NYSERDA's responses to comments received during the public hearing or in writing will be included in the Final EIS.

WVDP Public Reading Rooms

The following is a list of public reading rooms where the Draft EIS and supporting technical documents are available:

Central Library, Lafayette Square, Buffalo,
NY 14203, Phone: (716) 858–7098
Concord Hulbert Library, 18 Chapel Street,
Springville, NY 14141, Phone: (716) 592–
7742

Olean Public Library, 134 North 2nd Street,
Olean, NY 14760, Phone: (716) 372–0200
West Valley Central School Library, West
Valley, NY 14171, Phone: (716) 942–3293
Ashford Office Complex, 9060 Route 219,
West Valley, NY 14171 Phone: (716) 942–
4555

Issued in Washington, D.C., March 18,
1996.

Stephen Cowan,

*Deputy Assistant Secretary for Waste
Management.*

[FR Doc. 96–6836 Filed 3–20–96; 8:45 am]

BILLING CODE 6450–01–P

1996. Under the revised strategy, DOE will prepare and issue a revised draft EIS for public comment focusing on DOE's actions to decontaminate West Valley Demonstration Project (WVDP) facilities and manage WVDP wastes controlled by DOE under the West Valley Demonstration Project Act (WVDP Act; Public Law 96-368). NYSERDA will not be a joint lead agency but will participate as envisioned under Section 6.03 of the Cooperative Agreement between United States Department of Energy and New York State Energy Research and Development Authority on the Western New York Nuclear Service Center at West Valley, New York (October 1, 1980, amended September 18, 1981) and as appropriate under the New York State Environmental Quality Review Act (SEQRA). Further, DOE intends to issue soon a Notice of Intent for a second EIS, with NYSERDA as a joint lead agency, on decommissioning and/or long-term stewardship of the WVDP and the Western New York Nuclear Service Center (WNYNSC). This approach is expected to facilitate decisions in a more tractable and timely fashion.

DATES: Although this notice expresses DOE's intent to prepare the revised Draft EIS, DOE welcomes, as part of the scoping process, comments on the plan for revising the strategy for completion of the 1996 Completion and Closure Draft EIS. Please provide comments on the plan and on the scope of the revised Draft EIS on WVDP Decontamination and Waste Management to DOE by April 25, 2001. Written comments postmarked, faxed, or e-mailed by that date will be considered in the preparation of the revised Draft EIS. Late comments will be considered to the extent practicable.

Also, DOE will hold a public scoping meeting at the Ashford Office Complex, located at 9030 Route 219 in the Town of Ashford, NY, from 7:00 to 9:30 p.m. on April 10, 2001. Make requests to speak at the public meeting by calling or writing the DOE Document Manager. (See **ADDRESSES**, below.)

ADDRESSES: Address comments on this plan for revising the strategy for completion of the 1996 Completion and Closure EIS and on the scope of the revised Draft EIS to the DOE Document Manager: Mr. Daniel W. Sullivan, West Valley Area Office, U.S. Department of Energy, 10282 Rock Springs Road, West Valley, NY 14171. Telephone: (716) 942-4016, facsimile: (716) 942-4703, or e-mail: daniel.w.sullivan@wv.doe.gov.

FOR FURTHER INFORMATION CONTACT: For information regarding the West Valley Demonstration Project or the EIS,

DEPARTMENT OF ENERGY

Revised Strategy for the Environmental Impact Statement for Completion of the West Valley Demonstration Project and Closure or Long-Term Management of Facilities at the Western New York Nuclear Service Center and Solicitation of Scoping Comments

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE) and the New York State Energy Research and Development Authority (NYSERDA) announce their intent to revise their strategy for completing the Draft Environmental Impact Statement (EIS) for Completion of the West Valley Demonstration Project and Closure or Long-Term Management of Facilities at the Western New York Nuclear Service Center (DOE/EIS-0226-D) (also referred to as the 1996 Completion and Closure Draft EIS) issued for public comment in March

contact Mr. Daniel Sullivan as described above. Those seeking general information on DOE's National Environmental Policy Act (NEPA) process should contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585. Telephone: (202) 586-4600, facsimile: (202) 586-7031, or leave a message at 1-800-472-2756, toll-free.

SUPPLEMENTARY INFORMATION: The DOE and NYSDERDA announce their intent to revise their strategy for completing the Draft EIS for Completion of the West Valley Demonstration Project and Closure or Long-Term Management of Facilities at the Western New York Nuclear Service Center (DOE/EIS-0226-D) (also referred to as the 1996 Completion and Closure Draft EIS). The Draft EIS was prepared by DOE and NYSDERDA as joint lead agencies and issued for public comment in March 1996.

I. Revised NEPA Review Strategy

Under the revised strategy, DOE will prepare and issue for public comment a revised Draft EIS focusing on DOE's actions to decontaminate WVDP facilities and manage WVDP wastes controlled by DOE under the WVDP Act. The analyses and subsequent decision making with respect to this Decontamination and Waste Management EIS will focus exclusively on WVDP activities conducted by DOE and will not involve any decision making on the balance of the property at the WNYNSC. NYSDERDA will not be a joint lead agency but will participate as envisioned under Section 6.03 of the Cooperative Agreement between United States Department of Energy and New York State Energy Research and Development Authority on the Western New York Nuclear Service Center at West Valley, New York (October 1, 1980, amended September 18, 1981) and as appropriate under SEQRA. The Nuclear Regulatory Commission does not intend to be a Cooperating Agency on the Decontamination and Waste Management EIS, because the Commission is not prescribing criteria for the activities to be considered in this revised EIS. DOE will inform the Commission of WVDP activities and progress as required under the WVDP Act and the Memorandum of Understanding between DOE and the Commission.

In accordance with Council on Environmental Quality regulations for implementing NEPA (40 CFR 1508.25)

DOE has determined that the decontamination and waste management actions will not be connected within the meaning of the regulations to decommissioning and/or long-term stewardship actions because decontamination and waste disposal actions can be implemented without previous or simultaneous actions being taken, are not an interdependent part of a larger action, and do not depend on a larger action for their justification. Further, the WVDP decontamination and waste management actions being proposed by DOE do not limit or prejudice the range of alternatives to be considered or the decisions to be made for eventual decommissioning of Project facilities and/or long-term stewardship of the site, which would be the focus of a second EIS (described below in Section VI).

The decontamination and waste management actions being proposed merit evaluation in an EIS, however, including adequate analysis of cumulative impacts. While the decontamination and waste management actions will share common geography with subsequent decommissioning and/or long-term stewardship actions, the regulatory and physical nature of the two categories of actions are different, as are the timing needs for decisions. This approach is expected to facilitate decisions in a more tractable and timely fashion.

Under the revised strategy, the 1996 Draft EIS will be reissued in part as a revised Draft EIS retitled the West Valley Demonstration Project Decontamination and Waste Management Environmental Impact Statement. The analysis in the revised Draft EIS will support only those DOE decisions on WVDP facility decontamination and waste management alternatives. The revised Draft EIS will include updated baseline environmental data and new EIS alternative descriptions and use new analytical techniques developed at West Valley since publication of the 1996 Completion and Closure Draft EIS. Relevant comments received on the 1996 Completion and Closure Draft EIS will be considered in the preparation of the revised Draft EIS.

In the course of quarterly public meetings and Citizen Task Force meetings held since the issuance of the 1996 Completion and Closure Draft EIS, stakeholders have had considerable opportunities to discuss pertinent issues with DOE. DOE is now formally soliciting scoping comments, which DOE will consider in preparing the Draft Decontamination and Waste Management EIS. During preparation of

this EIS, DOE intends to maintain informal communications with stakeholders through ongoing quarterly meetings, at a minimum, to ensure that interested individuals, organizations, and agencies are aware of the status of EIS preparation and have a continuing forum to ask questions and provide feedback to the Department. The revised Draft EIS, when completed, will be issued to the public for review and comment in accordance with Section V of this notice.

II. DOE Responsibilities

DOE is required by Public Law 96-368, the WVDP Act, to perform a number of actions involving facilities and wastes at the West Valley site. Section 2(a)(1-5) of the Act articulates the five actions that embody the WVDP. Actions 1 and 2 address high-level waste (HLW) solidification and development of appropriate containers for the solidified wastes. Action 3 requires DOE to transport the solidified HLW to a Federal geologic repository for permanent disposal. Action 4 requires DOE to dispose of low-level and transuranic wastes generated by HLW solidification and in connection with the WVDP. Action 5 requires DOE to decontaminate and decommission the tanks, facilities, material, and hardware used in the solidification of HLW and in connection with the WVDP.

Actions 1 and 2 were the focus of the 1982 Final EIS (DOE/EIS-0081) and Record of Decision (47 FR 40705, September 15, 1982) on the HLW solidification. The 1996 Completion and Closure Draft EIS (DOE/EIS-0226-D) comprehensively examined the remaining actions, 3, 4, and 5. Based on the comments received on the 1996 Completion and Closure Draft EIS, feedback from the Citizen Task Force, and ongoing discussions between the joint lead agencies (DOE and NYSDERDA) and the Nuclear Regulatory Commission, the DOE now intends to conduct the NEPA process for actions 3, 4, and 5 in two separate EISs.

For action 3, DOE will evaluate on-site activities related to transportation of the New York State-owned solidified HLW to a federal geologic repository in the Decontamination and Waste Management EIS. Off-site activities related to HLW transportation were evaluated in the Final Waste Management Programmatic Environmental Impact Statement (WM PEIS, DOE/EIS-0200-F, May 1997). For action 4, DOE will evaluate on-site activities for transportation of low-level waste generated in connection with the WVDP in the Decontamination and Waste Management EIS; off-site

transportation activities were evaluated in the WM PEIS. DOE also will evaluate on-site and off-site transportation activities for transuranic waste associated with the WVDP in the Decontamination and Waste Management EIS.

For action 5, DOE will evaluate the decontamination of facilities, material, and hardware used in the solidification of HLW in the Decontamination and Waste Management EIS. DOE intends to analyze the decommissioning of the HLW tanks, facilities, material, and hardware used in connection with the WVDP in the EIS for decommissioning and/or long-term stewardship of the WVDP and WYNSC, with NYSERDA as a joint lead agency.

III. Proposed Scope of the Decontamination and Waste Management EIS

A. Purpose and Need for Agency Action

Facility decontamination and waste disposal are the next DOE actions mandated by the WVDP Act that are ripe for evaluation and decision making. By implementing these actions in the near term, DOE may continue toward completion of the WVDP while decommissioning and/or long-term stewardship issues are being evaluated in a separate EIS, which DOE intends to develop jointly with NYSERDA in the near future (described below in Section VI).

The DOE needs to decide upon decontamination and waste management actions that are described below for facilities that are either no longer necessary or where decontamination will support the safer and more efficient continuation of WVDP site operations. DOE's primary objectives in this regard include both reducing risks posed to human health or the environment by removing and containing contamination and reducing the site management costs incurred by continuing to maintain unneeded facilities in a safe and operational condition.

B. Facilities and Waste Storage Areas To Be Evaluated

Potential decontamination of up to four facilities at the WVDP will be evaluated in the Decontamination and Waste Management EIS. The evaluation will include such activities as removal of loose radioactive contamination; removal of hardware and equipment; nonstructural decontamination of walls, ceilings, and floors; and flushing and/or removal of vessels and piping. The WVDP facilities that will be evaluated are:

—*Vitrification Facility*—Houses the HLW melter and supporting systems for combining liquid HLW with borosilicate glass formers, pouring the molten glass into stainless steel canisters, and transporting those canisters to the Process Building for storage.

—*01-14 Building*—Houses the Cement Solidification System, used to combine low-level liquid wastes from HLW pretreatment into a cement blend, which was then placed into drums and removed to an on-site storage facility. The 01-14 Building also houses the Vitrification Off-Gas System.

—*HLW Storage Area*—Includes the underground HLW storage tanks, along with supporting systems for maintenance, surveillance, and waste transfer.

—*Process Building*—Includes approximately 70 rooms and cells that comprised the original NRC-licensed spent nuclear fuel reprocessing operations in the late 1960s and early 1970s. Parts of this building have been decontaminated and modified to support WVDP operation, while other parts remain highly contaminated from fuel reprocessing operations. One of the large cells in the Process Building also serves as the storage facility for vitrified HLW canisters.

The WVDP storage areas that contain the Project's low-level radioactive wastes, which will be evaluated for removal and offsite disposal, are:

—*Lag Storage Area*—Includes several facilities used to store and manage the radioactive wastes generated from WVDP activities. Wastes currently in storage include Class A, B, and C low-level wastes, transuranic waste, and greater-than-Class C wastes.

—*Radwaste Treatment System Drum Cell*—Stores cement-filled drums of stabilized low-level waste produced by the Cement Solidification System.

—*Various Other Locations*—Soils estimated to contain very low levels of radioactive contamination are stored in large containers in various locations.

C. Proposed Action

DOE's Proposed Action under the Decontamination and Waste Management EIS will be to decontaminate the four Project facilities described above and to dispose of Project-generated low-level waste controlled by DOE under the WVDP Act. The remaining facilities for which the DOE is responsible, along with all final decommissioning and/or long-term stewardship actions to be taken by the

DOE and NYSERDA, will be evaluated in a new EIS for decommissioning and/or long-term stewardship described in Section VI.

The WVDP Decontamination and Waste Management EIS will incorporate, as needed, analysis of environmental impacts at West Valley associated with implementing DOE's records of decision for the WM PEIS. Under those decisions, DOE will dispose of the Project low-level and low-level mixed waste in storage, and generated by decontamination activities, at either the Nevada Test Site or the Hanford Reservation near Richland, Washington (65 FR 10061, February 25, 2000), continue to store transuranic waste at West Valley (63 FR 3629, January 23, 1998), and continue to store the New York State-owned HLW at West Valley pending availability of a Federal geologic repository (64 FR 46661; August 26, 1999).

The WM PEIS LLW Record of Decision does not preclude DOE's use of commercial disposal facilities, consistent with current DOE Orders and appropriate site-specific NEPA analysis. Therefore, the revised Draft EIS will also assess shipment of WVDP low-level waste to the Envirocare commercial low-level waste disposal facility, near Tooele, Utah.

Any hazardous or mixed wastes generated as a result of decontamination activities will be managed in accordance with the Resource Conservation and Recovery Act (RCRA) and the WVDP Site Treatment Plan, respectively.¹

D. Preliminary Alternatives To Be Evaluated

In the Decontamination and Waste Management EIS, DOE intends to evaluate the range of alternatives for decontamination of Project facilities. These include a "no action" alternative, which will evaluate continued current decontamination and waste management operations at the WVDP. The other alternatives will evaluate

¹ Any decontamination activities that may be performed following issuance of the Record of Decision for the Decontamination and Waste Management EIS will also provide information associated with RCRA hazardous wastes and mixed wastes, as well as potential future measures that may be needed to manage these wastes. Management of RCRA wastes identified and/or generated during these activities may be performed in accordance with the provisions of the RCRA 3008(h) Administrative Order on Consent between the DOE and NYSERDA, and the New York State Department of Environmental Conservation (DEC) and U.S. Environmental Protection Agency (EPA). This information will also be factored into long-term decision making associated with the decommissioning and/or long-term stewardship EIS, which will be coordinated with the DEC and EPA to meet the requirements of the RCRA 3008(h) Consent Order.

decontaminating different sets of WVDP facilities and areas within them. The three alternatives DOE is proposing to evaluate are summarized below. DOE will identify its Preferred Alternative in the Draft EIS.

No Action Alternative—Minimum Decontamination and Off-Site Waste Disposal Alternative

This alternative is considered the “no action” alternative required to be analyzed under Council on Environmental Quality and DOE NEPA regulations, and involves no change from the current in-progress or planned decontamination activities for WVDP facilities and waste management activities currently in progress.

These ongoing decontamination and waste management activities have already been considered under NEPA, as follows:

- 1982 Final Environmental Impact Statement for Long-Term Management of Liquid High-Level Radioactive Wastes Stored at the Western New York Nuclear Service Center, West Valley (DOE/EIS-0081), Record of Decision (47 FR 40705, September 15, 1982), and two Supplement Analyses (DOE/EIS-0081-SA1, September 24, 1993; DOE/EIS-0081-SA2, June 23, 1998).
- Environmental Checklist for Removal of Class A Low-Level Radioactive Waste for Commercial Disposal (OH-WVDP-96-01), an action that was categorically excluded from further NEPA review in October 1997.
- Environmental Checklist for Decontamination Activities for the Main Plant (OH-WVDP-2000-05), an action that was categorically excluded in November 2000.

Project Facility Decontamination and Off-Site Waste Disposal Alternative

This alternative involves extensive decontamination of the Vitrification Facility, 01-14 Building, HLW Storage Area, and Process Building. Activities would include: (1) Removing any nonessential vessels, hardware, piping, and components, (2) cleaning surfaces to remove loose contamination, (3) treating or otherwise fixing-in-place remaining contamination on surfaces, as appropriate, (4) deactivating and/or removing all support systems (ventilation and utilities) no longer necessary for safe operations and maintenance, and (5) collecting and treating for disposal any effluent from the decontamination activities.

Wastes currently in storage and wastes generated by decontamination activities would be processed as necessary and shipped offsite for

disposal under this alternative. A combination of truck and rail shipment modes would be used, depending on the type and amount of waste, and the intended disposal site. Any wastes for which there currently are no suitable disposal sites, such as greater-than-Class C waste, HLW, and transuranic waste, would be retained in on-site storage pending the availability of an off-site disposal location. DOE will evaluate shipment of these wastes from West Valley, as appropriate, however, so that the environmental impacts would have already been evaluated in case an opportunity to move these wastes off-site should arise.

High Activity Waste Removal and Off-Site Waste Disposal Alternative

This alternative is similar to the alternative for Project Facility Decontamination and Off-site Waste Disposal in terms of the types of decontamination activities that would be performed, but only those areas of WVDP facilities that present high health and safety risk would undergo interim decontamination. Under this alternative, selected areas in the Vitrification Facility, HLW Storage Area, and Process Building would be decontaminated, namely, those that are estimated to contain high concentrations of long-lived radionuclides. The 01-14 Building would not be decontaminated under this alternative, however, because it does not contain substantial quantities of long-lived radionuclides and does not pose a health and/or safety risk comparable to the Vitrification Facility, HLW Storage Area, and Process Building. Waste management activities to be evaluated will be comparable, however, to those under the previous alternative.

E. Preliminary Impacts To Be Analyzed

DOE has identified the following impacts for analysis in this EIS. Additional issues may be identified as a result of public comments.

- Potential impacts to the general population and on-site workers from radiological and nonradiological releases from decontamination and waste management activities
- Potential environmental impacts, including air and water quality impacts, from decontamination and waste management activities
- Potential transportation impacts from shipments of radioactive or hazardous material or radioactive, hazardous, or mixed waste generated during decontamination and waste management activities
- Potential impacts from postulated accidents

- Short-term land use impacts
- Disproportionately high and adverse effects on low-income and minority populations (environmental justice)
- Irretrievable and irreversible commitment of resources
- Native American concerns
- Unavoidable adverse impacts
- Compliance with Federal, state, and local requirements
- Cumulative impacts

IV. Public Scoping Meeting

DOE will hold a public scoping meeting on the decontamination and waste management EIS at the Ashford Office Complex, located at 9030 Route 219 in the Town of Ashford, NY, from 7:00 to 9:30 p.m. on April 10, 2001. Requests to speak at the public meeting should be made by calling or writing the DOE Document Manager (see **ADDRESSES**, above). Speakers will be scheduled on a first-come, first-served basis. Individuals may sign up at the door to speak and will be accommodated as time permits. Written comments will also be accepted at the meeting. Speakers are encouraged to provide written versions of their oral comments for the record.

The meetings will be facilitated by a moderator. WVDP personnel and the moderator may ask speakers clarifying questions. Individuals requesting to speak on behalf of an organization must identify the organization. Each speaker will be allowed five minutes to present comments unless more time is requested and available. Comments will be recorded by a court reporter and will become part of the scoping meeting record.

V. Schedule

The DOE intends to issue the draft Decontamination and Waste Management EIS in Fall 2001. A 45-day public comment period will start upon publication of the Environmental Protection Agency's **Federal Register** Notice of Availability. DOE will consider and respond to comments received on the draft Decontamination and Waste Management EIS in preparing the final EIS.

Comments received during the 1989 scoping process and from the public comment period on the 1996 Completion and Closure EIS (DOE/EIS-0226-D) will be addressed in either the draft Decontamination and Waste Management EIS or the planned EIS for decommissioning and/or long-term stewardship, depending on the nature of the specific comments received.

VI. EIS for Decommissioning and/or Long-Term Stewardship

DOE anticipates a separate announcement soon in both the **Federal Register** and the New York State Environmental Notice Bulletin providing notice of a second EIS to be prepared by DOE and NYSDERDA for decommissioning and/or long-term stewardship of the WVDP and WNYNSC and a public scoping process pursuant to NEPA and SEQRA.

DOE anticipates that it will be the lead Federal agency for purposes of compliance with NEPA, and NYSDERDA will be the lead agency for purposes of compliance with SEQRA. DOE also anticipates that the Nuclear Regulatory Commission will participate as a cooperating agency under NEPA, and the New York State Department of Environmental Conservation will be an involved agency under SEQRA. Although DOE envisions that DOE and NYSDERDA will jointly prepare this EIS for decommissioning and/or long-term stewardship, either agency may decide to proceed independently in support of its independent mission. The Notice of Intent will provide further information on this second EIS, including the alternatives proposed to be evaluated and the opportunities for stakeholder involvement.

Issued in Washington, D.C. on March 21, 2001.

Steven V. Cary,

Acting Assistant Secretary, Office of Environment, Safety and Health.

[FR Doc. 01-7370 Filed 3-23-01; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY**Advance Notice of Intent to Prepare an Environmental Impact Statement To Evaluate Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center****AGENCY:** Department of Energy.**ACTION:** Advance notice of intent.

SUMMARY: The U.S. Department of Energy (DOE) is announcing in advance its intent to prepare an Environmental Impact Statement (EIS) for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project (WVDP) and Western New York Nuclear Service Center (the Center). DOE has prepared this advance notice in accordance with the Department's regulations for implementing the National Environmental Policy Act (NEPA) [10 CFR 1021.311(b)], which state that DOE may publish an Advance Notice of Intent to provide an early opportunity to inform interested parties of a pending EIS or to solicit early public comments. DOE anticipates that the New York State Energy Research and Development Authority (NYSERDA) will participate in the preparation of the Decommissioning and/or Long-Term Stewardship EIS as a joint lead agency, that the U.S. Nuclear Regulatory Commission (NRC) will participate as a cooperating agency, and that the New York State Department of Environmental Conservation (NYSDEC) will participate as an involved agency under the New York State Environmental Quality Review Act (SEQRA).

DOE and NYSERDA plan to evaluate the range of reasonable alternatives in this EIS to address their respective responsibilities at the Center, including those under the West Valley Demonstration Project Act (Public Law 96-368) and other applicable requirements, including decommissioning criteria that may be prescribed by NRC in accordance with the Act.

DOE invites early public comment on the range of environmental issues and alternatives to be analyzed. DOE and NYSERDA will consider the comments

received and other relevant information in developing a preliminary scope of the EIS for publication in a subsequent Notice of Intent, which would initiate a public scoping process in accordance with DOE's NEPA implementing regulations and those of SEQRA.

This Advance Notice of Intent is consistent with DOE's March 26, 2001, Notice of Intent (66 FR 16447) to revise the strategy for completing the *Draft Environmental Impact Statement for Completion of the West Valley Demonstration Project and Closure or Long-Term Management of Facilities at the Western New York Nuclear Service Center* (DOE/EIS-0226-D, March 1996, also referred to as the 1996 Cleanup and Closure Draft EIS), which was issued jointly by DOE and NYSERDA. The March 2001 Notice of Intent announced that DOE intends to prepare a separate EIS on its decontamination of WVDP facilities and related waste management activities.

ADDRESSES: Address early comments on the preliminary scope of the Decommissioning and/or Long-Term Stewardship EIS to the DOE Document Manager: Mr. Daniel W. Sullivan, West Valley Demonstration Project, U.S. Department of Energy, 10282 Rock Springs Road, West Valley, New York 14171, Telephone: (716) 942-4016, facsimile: (716) 942-4703, e-mail: daniel.w.sullivan@wv.doe.gov.

The "Public Reading Rooms" section under **SUPPLEMENTARY INFORMATION** lists the addresses of the reading rooms where documents referenced herein are available.

FOR FURTHER INFORMATION, CONTACT: For information regarding the WVDP or the EIS, contact Mr. Daniel Sullivan as described above. Those seeking general information on DOE's NEPA process should contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: (202) 586-4600, Facsimile: (202) 586-7031, or leave a message at 1-800-472-2756, toll-free.

Questions for NYSERDA should be directed to: Mr. Paul J. Bembia, New York State Energy Research and Development Authority, 10282 Rock Springs Road, West Valley, New York 14171, Telephone: (716) 942-4900, Facsimile: (716) 942-2148, email: pjb@nyserda.org.

Those seeking general information on the SEQRA process should contact: Mr. Hal Brodie, Deputy Counsel, New York State Energy Research and Development Authority, Corporate Plaza West, 286 Washington Avenue Extension, Albany,

New York 12203-6399, Telephone: (518) 862-1090, ext. 3280, Facsimile: (518) 862-1091, email: hb1@nyserdera.org.

This Advance Notice of Intent will be available on the internet at <http://tis.eh.doe.gov/nepa>, under "NEPA Announcements". Additional information about the WVDP is also available on the internet at <http://www.wv.doe.gov/LinkingPages/insidewestvalley.htm>.

SUPPLEMENTARY INFORMATION: DOE announces its Advance Notice of Intent to prepare an EIS for Decommissioning and/or Long-Term Stewardship at the WVDP and the Center. DOE has prepared this Advance Notice of Intent in accordance with the Department's regulations for implementing NEPA [10 CFR 1021.311(b)], which state that DOE may publish an Advance Notice of Intent to provide an early opportunity to inform interested parties of a pending EIS or to solicit early public comments.

DOE intends to prepare this EIS jointly with NYSEERDA, although either agency may, at any point, determine the need to proceed independently in support of their independent missions. In preparing this Advance Notice of Intent, DOE anticipates that the Department would be the lead Federal agency for purposes of compliance with NEPA, while NYSEERDA would be the lead State agency for purposes of compliance with SEQRA. DOE also anticipates that NRC would participate as a cooperating agency under NEPA and that NYSDEC would be an involved agency under SEQRA.

Invitation to Comment

DOE invites the public to provide early assistance in identifying significant environmental issues and alternatives to be analyzed in the forthcoming Decommissioning and/or Long-Term Stewardship EIS. DOE and NYSEERDA will consider public comments and other relevant information as the agencies jointly develop a Notice of Intent for publication in the **Federal Register** and a notice for publication in the New York State *Environmental Notice Bulletin*. DOE and NYSEERDA expect the Notice of Intent to contain a preliminary range of reasonable alternatives proposed for analysis as agreed to by DOE and NYSEERDA. Further, DOE and NYSEERDA expect to publish the Notice of Intent within approximately a year of publishing this advance notice. Although a public scoping meeting will not be held until the public scoping process required by NEPA has been initiated, DOE and NYSEERDA would

give equal weight to written comments submitted in response to this Advance Notice of Intent and comments received during the public scoping process.

Background

The Center consists of a 3,345-acre reservation in rural western New York that is the location of the only NRC-licensed commercial spent nuclear fuel reprocessing facilities to have ever operated in the United States. NYSEERDA holds title to the Center on behalf of the people of the State of New York. Pursuant to the WVDP Act, DOE and NYSEERDA entered into a Cooperative Agreement effective October 1, 1980, that specifies the responsibilities and conditions agreed upon by each for the purpose of carrying out the WVDP. Under the agreement, NYSEERDA has made available to DOE, without transfer of title, an approximately 200-acre portion of the Center, known as the "Project Premises," which includes a formerly operated spent nuclear fuel reprocessing plant, spent nuclear fuel receiving and storage area, liquid high-level waste (HLW) storage tanks, a liquid low-level waste treatment facility with associated lagoons, and a radioactive waste disposal area licensed by the NRC. Adjacent to and in the vicinity of the Project Premises is an area referred to as the State Licensed Disposal Area, for which NYSEERDA has responsibility.

The WVDP Act authorizes NRC to prescribe decommissioning criteria for the WVDP. At this time, DOE anticipates that the NRC would resume regulatory oversight of the Center, with the exception of the State Licensed Disposal Area, following DOE's completion of the WVDP.

Section 2(a)(1-5) of the WVDP Act articulates the five actions required of DOE. Actions 1 and 2 address HLW solidification and development of appropriate containers for the solidified wastes. Action 3 requires DOE to transport the solidified HLW to a Federal geologic repository for permanent disposal. Action 4 requires DOE to dispose of low-level and transuranic wastes generated by HLW solidification and in connection with the WVDP. Action 5 requires DOE to decontaminate and decommission the tanks, facilities, material, and hardware used in the solidification of HLW and in connection with the WVDP.

Actions 1 and 2 were the focus of a 1982 Final EIS (DOE/EIS-0081) and Record of Decision (47 FR 40705, September 15, 1982) on HLW solidification. The 1996 Cleanup and Closure Draft EIS examined the remaining actions, 3, 4, and 5.

Considering the comments received on the 1996 Cleanup and Closure Draft EIS, ongoing discussions between the joint lead agencies (DOE and NYSEERDA), and discussions with NRC, DOE now intends to conduct the NEPA process for actions 3, 4, and 5 in two separate EISs. Accordingly, DOE announced its intent to prepare a Decontamination and Waste Management EIS on March 26, 2001 (66 FR 16447), which will only address DOE's decision-making with respect to managing Project wastes and decontaminating Project facilities as stipulated in actions 3 and 4 and decontamination activities for Project facilities stipulated in action 5. DOE will need to conduct these activities regardless of future decommissioning and/or long-term stewardship decisions.

DOE expects the Decommissioning and/or Long-Term Stewardship EIS announced herein to address DOE's remaining activities under the WVDP Act as stipulated in action 5, any waste management activities under action 4 that could arise as a result of decommissioning activities, and NYSEERDA's activities relative to decommissioning or long-term stewardship of land and facilities under its purview. DOE believes that the activities identified for the Decontamination and Waste Management EIS and for the Decommissioning and/or Long-Term Stewardship EIS are separate and distinct and are thus appropriate for analysis in two EISs, consistent with NEPA and its implementing regulations.

Purpose and Need for Action

DOE needs to determine the manner that facilities for which the Department is responsible under the WVDP Act are decommissioned, in accordance with the criteria yet to be prescribed by the NRC. NYSEERDA needs to develop a strategy for decommissioning or long-term stewardship for land and facilities under its purview. To this end, DOE and NYSEERDA would determine what, if any, material or structures would remain on the site and what, if any, institutional controls would be required, in accordance with their respective agency responsibilities.

Potential Range of Alternatives

DOE anticipates, at this time, that its alternatives to be proposed for analysis in the Decommissioning and/or Long-Term Stewardship EIS would range from complete removal of Project waste and facilities to in-place closure of Project facilities, including a No Action Alternative as required by NEPA, and that NYSEERDA would propose a similar range of decommissioning and/or long-

term stewardship alternatives to those proposed by DOE, for the facilities and areas for which NYSERDA is responsible. Additional alternatives may also be presented after consultation with NRC, NYSERDA and the public. However, DOE and NYSERDA expect the potential alternatives to be sufficiently consistent in concept with those identified in the 1996 Draft Cleanup and Closure EIS to allow the use of technical information presented therein, supplemented as needed.

New Information To Be Evaluated

NRC has indicated that it intends to publish a draft policy statement on prescribing decommissioning criteria for the WVDP for public comment and subsequently issue a final statement that would include its response to comments. Based upon ongoing discussions with the Commission, DOE and NYSERDA intend at this time to apply the NRC's License Termination Rule (10 CFR 20.1401 *et seq.*) as draft decommissioning criteria in assessing the health and environmental impacts of decommissioning the WVDP facilities, pending NRC issuance of its final Policy Statement on decommissioning criteria for the WVDP. If the final decommissioning criteria are issued before completion of the EIS, the results in the EIS will reflect any changes in criteria.

In 1997, the NRC published the *Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities* (NUREG-1496) to support its decision-making on establishing explicit radiological criteria for decommissioning various types of facilities, including nuclear power plants, non-power reactors, fuel fabrication plants, uranium hexafluoride production plants, and independent spent fuel storage installations. This EIS analyzed courses of action that NRC would take in establishing radiological criteria for decommissioning and the cost and environmental impacts associated with those alternatives. Based on this analysis, the NRC promulgated its Final License Termination Rule (62 FR 39086, July 21, 1997). Although this EIS did not evaluate a reference spent fuel reprocessing facility, DOE and NYSERDA intend to use those aspects of NRC's EIS that may have specific relevance to the West Valley site.

Further, DOE and NYSERDA also intend to evaluate other available NRC NEPA documents to identify elements that would be applicable to decommissioning activities at the

WVDP and the Center. NRC issued the *Final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities* (NUREG-0586) in 1988 to assist it in reevaluating its regulatory requirements for decommissioning of nuclear facilities. In this EIS, the NRC evaluated the areas of decommissioning alternatives, financial assurance, planning, and residual radioactivity levels. This EIS was prepared to support the *General Requirements for Decommissioning of Nuclear Facilities*, Final Rule (53 FR 24018, June 27, 1988) and analyzed a number of reference licensed facilities, including the Barnwell spent fuel reprocessing design, which was never demonstrated. The Barnwell facility, unlike the West Valley reprocessing facility, was designed for short-term liquid HLW storage and subsequent near-term HLW vitrification. The NRC is currently supplementing this EIS (65 FR 25395, May 1, 2000) to evaluate certain decommissioning alternatives for power reactor facilities in more detail.

For the 1996 Draft WVDP Cleanup and Closure EIS, DOE developed or modified a variety of analytical tools specifically for that document. DOE has continued to refine many of these analytical tools as a result of public comments received on the 1996 Draft Cleanup and Closure EIS and ongoing interactions with stakeholders and regulatory agencies such as the NRC. DOE intends to apply these improved analytical tools to the preparation of the Decommissioning and/or Long-Term Stewardship EIS. To address significant issues such as erosion, for example, DOE has continued to develop a site-specific erosion model, with ongoing advice from NRC, and integrated that model into a revised performance assessment methodology, incorporating the use of sensitivity and uncertainty analyses.

There are also some additional areas where new information will be obtained specifically for the Decommissioning and/or Long-Term Stewardship EIS. This work includes updated site characterization and census data and the performance of a seismic reflection survey in the vicinity of the WVDP. This seismic reflection survey, to be performed in consultation with academic, government, and industry participants, will contribute to knowledge about the regional structural geology as it may relate to the WVDP and the Center.

Additional information that has become available since publication of the 1996 Draft Cleanup and Closure EIS includes DOE's *Waste Management Programmatic Environmental Impact*

Statement (WM PEIS, DOE/EIS-0200-F) and its associated Records of Decision. The WM PEIS analyzed on a national scale the centralization, regionalization, or decentralization of managing HLW, transuranic waste, low-level radioactive waste, mixed radioactive low-level waste (containing hazardous constituents), and non-wastewater hazardous waste. The Decommissioning and/or Long-Term EIS will incorporate, as appropriate, analyses from the WM PEIS so as to analyze site-specific activities necessary to implement the pertinent parts of the Records of Decision that apply to West Valley. The Decommissioning and/or Long-Term Stewardship EIS will also incorporate, as needed, information made available as a result of the Decontamination and Waste Management EIS.

Potential Environmental Issues for Analysis

DOE has tentatively identified the following issues for analysis in the Decommissioning and/or Long-Term Stewardship EIS. The list is presented to facilitate early comment on the scope of the EIS. It is not intended to be all-inclusive nor to predetermine the alternatives to be analyzed or their potential impacts.

- Potential impacts to the general population and on-site workers from radiological and non-radiological releases from decommissioning and/or long-term stewardship activities.
- Potential environmental impacts, including air and water quality impacts, caused by decommissioning and/or long-term stewardship activities.
- Potential transportation impacts from shipments of radioactive, hazardous, or mixed waste generated during decommissioning activities.
- Potential impacts from postulated accidents.
- Potential disproportionately high and adverse effects on low-income and minority populations (environmental justice).
- Potential Native American concerns.
- Irretrievable and irreversible commitment of resources.
- Short-term and long-term land use impacts.
- Decommissioning criteria for the WVDP.
- Compliance with Federal, State, and local requirements.
- The influence of, and potential interactions of, any wastes remaining at the Center after decommissioning.
- Unavoidable adverse impacts.
- Issues associated with decommissioning and long-term site

stewardship, including regulatory and engineering considerations.

- Long-term site stability, including erosion and seismicity.

Other Agency Involvement

NYSDEC and the U.S. Environmental Protection Agency entered into an Administrative Order on Consent with DOE and NYSERDA in March 1992, pursuant to section 3008(h) of the Hazardous and Solid Waste Amendments of 1984 under the Resource Conservation and Recovery Act. The purpose of the Order is to protect human health and the environment from releases of hazardous waste and/or hazardous constituents. DOE and NYSERDA expect to continue ongoing work with NYSDEC and the U.S. Environmental Protection Agency to integrate the requirements of the Order with the EIS process. DOE anticipates that NYSDEC therefore would participate in the Decommissioning and/or Long-Term Stewardship EIS to the extent required to address its regulatory responsibilities for the WVDP and the Center, including the State Licensed Disposal Area, as an involved agency under SEQRA.

Future Public Involvement

This Advance Notice of Intent does not serve as a substitute for the Notice of Intent that would initiate the public scoping process for the Decommissioning and/or Long-Term Stewardship EIS. After that Notice of Intent is published, DOE and NYSERDA expect to conduct the public scoping process in accordance with NEPA, the Council on Environmental Quality NEPA implementing regulations (40 CFR 1500—1508), the DOE's implementing regulations (10 CFR part 1021), and with New York's SEQRA and its implementing regulations (6 NYCRR 617). The scoping process will include a public meeting and a public comment period on the scope of the EIS.

Public Reading Rooms

Documents referenced in this Advance Notice of Intent and related information are available at the following locations.

Central Buffalo Public Library Science and Technology Department,
Lafayette Square, Buffalo, New York 14203, (716) 858-7098

The Olean Public Library, 134 North 2nd Street, Olean, New York 14760, (716) 372-0200

The Hulbert Library of the Town of Concord, 18 Chapel Street, Springville, New York 14141, (716) 592-7742

West Valley Central School Library,
5359 School Street, West Valley, New York 14141, (716) 942-3261
Ashford Office Complex, 9030 Route 219, West Valley, New York 14171, (716) 942-4555

Issued in Washington, DC, on October 31, 2001.

Steven V. Cary,

Acting Assistant Secretary, Office of Environment, Safety and Health.

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BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY**Notice of Intent to Prepare an Environmental Impact Statement for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project and Western New York Nuclear Service Center****AGENCY:** Department of Energy.**ACTION:** Notice of Intent.

SUMMARY: The U.S. Department of Energy (DOE) and the New York State Energy Research and Development Authority (NYSERDA) are announcing their intent to prepare an Environmental Impact Statement (EIS) for Decommissioning and/or Long-Term Stewardship at the West Valley Demonstration Project (WVDP) and Western New York Nuclear Service Center (also known as the "Center"). The U.S. Nuclear Regulatory Commission (NRC), the U.S. Environmental Protection Agency (EPA), and the New York State Department of Environmental Conservation (NYSDEC) will participate as cooperating agencies under the National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*). In addition, NYSDEC will participate as an involved agency under the New York State Environmental Quality Review Act (SEQRA) with respect to NYSERDA's proposed actions. DOE, under NEPA, and NYSERDA, under SEQRA, plan to evaluate the range of reasonable alternatives in this EIS to address their respective responsibilities at the Center, including those under the West Valley Demonstration Project Act (Pub. L. 96-368), Atomic Energy Act of 1954 (as amended), and all other applicable Federal and State statutes.

This EIS will revise the Draft Environmental Impact Statement for Completion of the West Valley Demonstration Project and Closure or Long-Term Management of Facilities at the Western New York Nuclear Service Center (DOE/EIS-0226-D, January 1996, also referred to as the 1996 Cleanup and Closure Draft EIS). Based on decommissioning criteria for the WVDP issued by NRC since the Cleanup and Closure EIS was published, DOE and NYSERDA propose to evaluate five alternatives: Unrestricted Site Release, Partial Site Release without Restrictions, Partial Site Release with Restrictions,

Monitor and Maintain under Current Operations, and No-Action.

DATES: DOE and NYSERDA are inviting public comments on the scope and content of the Decommissioning and/or Long-Term Stewardship EIS during a public comment period commencing with the date of publication of this Notice and ending on April 28, 2003. DOE and NYSERDA will hold two public scoping meetings on the EIS at the Ashford Office Complex, located at 9030 Route 219 in the Town of Ashford, NY, from 7 to 9:30 p.m. on April 9, 2003 and April 10, 2003.

ADDRESSES: Address comments on the scope of the Decommissioning and/or Long-Term Stewardship EIS to the DOE Document Manager: Mr. Daniel W. Sullivan, West Valley Demonstration Project, U.S. Department of Energy, WV-49, 10282 Rock Springs Road, West Valley, New York 14171, Telephone: (800) 633-5280, Facsimile: (716) 942-4199, E-mail: sonja.allen@wvnsco.com.

The "Public Reading Rooms" section under **SUPPLEMENTARY INFORMATION** lists the addresses of the reading rooms where documents referenced herein are available.

FOR FURTHER INFORMATION, CONTACT: For information regarding the WVDP or the EIS, contact Mr. Daniel Sullivan as described above. Those seeking general information on DOE's NEPA process should contact: Ms. Carol M. Borgstrom, (EH-42), Director, Office of NEPA Policy and Compliance, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586-4600, Facsimile: (202) 586-7031, or leave a message at 1-800-472-2756, toll-free.

Questions for NYSERDA should be directed to: Mr. Paul J. Bembia, New York State Energy Research and Development Authority, 10282 Rock Springs Road, West Valley, New York 14171, Telephone: (716) 942-4900, Facsimile: (716) 942-2148, E-mail: pjb@nyserda.org.

Those seeking general information on the SEQRA process should contact: Mr. Hal Brodie, Deputy Counsel, New York State Energy Research and Development Authority, 17 Columbia Circle, Albany, New York 12203-6399, Telephone: (518) 862-1090, ext. 3280, Facsimile: (518) 862-1091, E-mail: hb1@nyserda.org.

This Notice of Intent will be available on the internet at <http://tis.eh.doe.gov/nepa>, under "What's New." Additional information about the WVDP is also available on the internet at <http://www.wv.doe.gov/linkingpages/insidewestvalley.htm>.

SUPPLEMENTARY INFORMATION: DOE and NYSERDA intend to prepare a revised draft Environmental Impact Statement (EIS) for Decommissioning and/or Long-Term Stewardship at the WVDP and Western New York Nuclear Service Center to examine the potential environmental impacts of the proposed action to decommission and/or maintain long-term stewardship at the Center. The NRC, the EPA, and NYSDEC will participate as cooperating agencies under NEPA. NYSDEC will also participate as an involved agency under SEQRA with respect to NYSERDA's proposed actions. DOE, under NEPA, and NYSERDA, under SEQRA, plan to evaluate the range of reasonable alternatives in this EIS to address their respective responsibilities at the Center, including those under the WVDP Act, Atomic Energy Act of 1954 (as amended), and all other applicable Federal and State statutes.

Background

The Western New York Nuclear Service Center consists of a 3,345-acre reservation in rural western New York that is the location of the only NRC-licensed commercial spent nuclear fuel reprocessing facility to have ever operated in the United States. Reprocessing operations resulted in the generation of approximately 600,000 gallons of liquid high-level waste (HLW), which was stored in large underground tanks adjacent to the reprocessing facility. NYSERDA holds title to the Center on behalf of the people of the State of New York. (See H. Rep. No. 96-1000 at 4 (1980) reprinted in 1980 U.S.S.C.A.N 3102, 3103.)

The WVDP Act of 1980 required DOE to solidify the HLW, transport it to a Federal geologic repository, dispose of the low-level waste (LLW) and transuranic (TRU) waste generated from Project activities, and decontaminate and decommission the facilities used for the Project. The Act also authorized NRC to prescribe decommissioning criteria for the WVDP. The NRC has placed NYSERDA's NRC site license in abeyance during DOE's fulfillment of its WVDP Act requirements.

Pursuant to the WVDP Act, on October 1, 1980, DOE and NYSERDA entered into a Cooperative Agreement (amended September 19, 1981) that established a framework for the implementation of the Project. Under the agreement, NYSERDA has made available to DOE, without transfer of title, an approximately 200-acre portion of the Center, known as the "Project Premises," which includes a formerly operated spent nuclear fuel reprocessing plant, spent nuclear fuel receiving and

storage area, underground liquid HLW storage tanks, and a liquid LLW treatment facility with associated lagoons, as well as other facilities. Most of the facilities on the Project premises were radioactively contaminated from reprocessing operations and are located on a geographic area of the Center known as the North Plateau. Among the other facilities located within the Project Premises is a radioactive waste disposal area known as the NRC-licensed disposal area (NDA). Adjacent to the Project Premises is a radioactive waste disposal area known as the State Licensed Disposal Area (SDA) for which NYSERDA has operational responsibility. Both the NDA and SDA are located on the South Plateau geographic area of the Center.

In 1987, DOE agreed, in a Stipulation of Compromise settling a lawsuit filed by local citizens, to evaluate the feasibility of onsite disposal of LLW generated as a result of Project activities in a Cleanup and Closure EIS, and to initiate the EIS process by the end of calendar year 1988. DOE and NYSERDA jointly issued the resulting Draft EIS for Completion of the West Valley Demonstration Project and Closure or Long-Term Management of Facilities at the Western New York Nuclear Service Center (DOE/EIS-0226-D, also known as the "Cleanup and Closure EIS") in 1996. The Cleanup and Closure draft EIS evaluated a range of alternatives that included a broad scope of waste management and decontamination/decommissioning activities. However, the draft EIS did not identify a preferred alternative.

In 2001, DOE revised its NEPA strategy to continue its EIS process in order to complete its obligations under the WVDP Act. DOE announced that it would prepare a separate EIS to address decontamination and near-term waste management activities for which it is solely responsible under the Act (66 FR 16647, March 26, 2001). In addition, DOE and NYSERDA would jointly prepare a second EIS for decommissioning and/or long-term stewardship to address activities for which each party is responsible. After considering public comments on the March 26, 2001, NOI and new information identified under "New Information to be Evaluated" below, DOE believes the scopes of both EISs should be further modified as follows. The first EIS, the West Valley Waste Management EIS, would address actions pertaining to waste accumulated in storage on site as a result of past Project activities as well as waste to be generated in the near term. The second EIS, this decommissioning and/or long-

term stewardship EIS, would analyze various decommissioning and/or long-term stewardship alternatives and would include decontamination as well. It would also include the management of wastes generated by decommissioning and/or long-term stewardship actions. Because this second EIS addresses strategies that may be used to complete the WVDP and disposition the Center, DOE now intends that this EIS would replace the 1996 Cleanup and Closure EIS. (DOE issued an Advance Notice of Intent inviting preliminary public input to the scope of this EIS on November 6, 2001 [66 FR 56090].)

On February 1, 2002, the NRC published in the **Federal Register** (67 FR 5003) its Decommissioning Criteria for the West Valley Demonstration Project (M-32) at the West Valley Site; Final Policy Statement. The NRC decided that it would apply its License Termination Rule (10 CFR 20, Subpart E) as the decommissioning criteria for the WVDP and the decommissioning goal for the entire NRC-licensed site. The NRC intends to use this West Valley EIS to evaluate the environmental impacts of the various alternatives before deciding whether to accept the preferred alternative as meeting the criteria permitted by the License Termination Rule.

Purpose and Need for Action

DOE is required by the WVDP Act to decontaminate and decommission the tanks and facilities used in the solidification of the HLW, and any material and hardware used in connection with the WVDP, in accordance with such requirements as the NRC may prescribe. The NRC has prescribed its License Termination Rule as the decommissioning criteria for the WVDP. Therefore, DOE needs to determine the manner that facilities, materials, and hardware for which the Department is responsible are managed or decommissioned, in accordance with applicable Federal and State requirements. To this end, DOE needs to determine what, if any, material or structures for which it is responsible will remain on site, and what, if any, institutional controls, engineered barriers, or stewardship provisions would be needed.

NYSERDA needs to determine the manner that facilities and property for which NYSERDA is responsible, including the State-Licensed Disposal Area, will be managed or decommissioned, in accordance with applicable Federal and State requirements. To this end, NYSERDA needs to determine what, if any,

material or structures for which it is responsible will remain on site, and what, if any, institutional controls, engineered barriers, or stewardship provisions would be needed. It is NYSERDA's intent to pursue termination of the existing 10 CFR Part 50 license for the Western New York Nuclear Service Center (currently held in abeyance) upon DOE's completion of decontamination and decommissioning under the WVDP Act in accordance with criteria prescribed by the NRC. NYSERDA plans to use the analysis of alternatives in the Decommissioning and/or Long-Term Stewardship EIS to support any necessary NRC or NYSDEC license or permit applications.

Areas of Disagreement With Respect to Responsibilities

DOE and NYSERDA currently do not agree on their respective responsibilities, including whether DOE is required under the WVDP Act to remediate the North Plateau groundwater plume and decommission the NDA, and which party is responsible for any long-term stewardship following the decommissioning actions required under the WVDP Act.

In accordance with their respective applicable legal requirements, DOE and NYSERDA each have unilateral decision-making authority for those actions for which they are responsible. DOE will determine the manner in which it will decommission Project facilities as required under the WVDP Act. NYSERDA will determine the manner in which non-Project facilities, not required to be decommissioned under the WVDP Act, will be managed.

Potential Range of Alternatives

DOE and NYSERDA intend to use the NRC's License Termination Rule and associated guidance provided in the NRC's Final Policy Statement as the framework to evaluate possible alternatives for decommissioning and/or long-term stewardship actions involving WVDP facilities, as well as decommissioning and/or long-term stewardship actions involving NYSERDA-controlled facilities and areas on the Center. In the Final Policy Statement, the NRC recognized that it does not have the regulatory authority to apply the License Termination Rule to the SDA, and said that a cooperative approach with the State will be utilized to the extent practical to apply the License Termination Rule in a coordinated manner.

As required by NEPA, the EIS will present the environmental impacts associated with the range of reasonable

alternatives to meet DOE's and NYSERDA's purposes and needs for action, and a no-action alternative. This range encompasses release of the Center for re-use under unrestricted and restricted conditions as allowed under the License Termination Rule. The EIS will present the health and environmental consequences of the alternatives in comparable form to provide a clear basis for informed decision making. DOE's and NYSERDA's preferred alternative will be identified in the Draft EIS. This Draft EIS will also include an evaluation of whether the alternatives would meet the NRC decommissioning criteria and other applicable requirements.

Alternative 1—Unrestricted Site Release

DOE and NYSERDA intend to evaluate an alternative that could satisfy the License Termination Rule criteria and permit termination of NYSERDA's NRC license without restrictions. DOE and NYSERDA are proposing that this alternative involve removal of WVDP and non-WVDP wastes, structures, and contaminated soils to the extent required so that the radiological criteria specified in 10 CFR 20.1402 can be met for Project and non-Project facilities and the balance of the 3,345-acre Center. This alternative includes exhumation and offsite disposal of waste and contaminated soils from the NDA and SDA on the South Plateau.

DOE and NYSERDA intend to evaluate the need for new onsite interim waste storage capacity under Alternative 1 for some waste types, such as Greater-Than-Class C waste, that may not be able to be disposed of in a time frame that would support timely implementation of this EIS alternative. Such an interim storage facility would remain under institutional control until the waste it contains is removed from the site. Following implementation of this alternative, including removal of any wastes in interim storage, the Center could be released without restrictions.

Alternative 2—Partial Site Release without Restrictions

DOE and NYSERDA intend to evaluate an alternative that could satisfy the radiological criteria specified in 10 CFR 20.1402 for facilities and areas on the North Plateau geographic area of the Center, including the North Plateau groundwater plume, as well as the balance of the 3,345-acre Center, with the exception of the NDA and SDA. This would include removal of WVDP and non-WVDP wastes, structures, and contaminated soils to the extent required so that the radiological criteria specified in 10 CFR 20.1402 can be met

for the North Plateau. Appropriate infiltration controls would be evaluated for the NDA and the SDA. The NDA and SDA on the South Plateau would not be released but would be managed, monitored, and maintained under permit, license, or other appropriate regulatory oversight. With the exception of the NDA and SDA, the WVDP Project Premises and Center could be released without restrictions. DOE and NYSERDA also intend to evaluate the need for new onsite interim waste storage that may be required to support timely completion of this alternative.

Alternative 3—Partial Site Release with Restrictions

DOE and NYSERDA intend to evaluate an alternative that may permit release with restrictions of portions of the North Plateau geographic area and the balance of the 3,345-acre Center, with the exception of the NDA and SDA. DOE and NYSERDA are proposing that this alternative involve removal of wastes and structures to the extent technically and economically practical so that the radiological criteria specified in 10 CFR 20.1403 can be met for the North Plateau. This would involve in-place closure of the Process Building, Vitrification Facility, HLW Tank Farm, wastewater treatment facility lagoons, and the North Plateau contaminated groundwater plume in a manner that is protective of public health, safety, and the environment. Other ancillary North Plateau facilities would be removed. Appropriate infiltration controls would be evaluated for the NDA and the SDA. The application of institutional controls and engineered barriers would be required and evaluated. The NDA and SDA on the South Plateau would not be released but would be managed, monitored, and maintained under permit, license, or other appropriate regulatory oversight. With the exception of the NDA and SDA, the end state would be the release of the WVDP Project Premises and Center under restricted conditions. However, unimpacted and/or remediated areas of the Center could be considered for release without restrictions. DOE also intends to evaluate the need for new onsite interim HLW storage that may be required to support timely completion of this alternative.

Alternative 4—Monitor and Maintain under Current Operations

This alternative involves the continued management and oversight of the Center and all facilities located upon the Center property, including the WVDP, after DOE's implementation of its Record of Decision for the WVDP

Waste Management EIS. No decommissioning decisions would be made nor actions taken to make progress toward decommissioning, including decontamination beyond the scope that DOE is currently performing. No facilities would be closed in place, but would be left in their current configuration and actively monitored and maintained as required by existing regulations to protect public, worker, and environmental health and safety. When required, remedial actions would be taken in response to any releases of contamination into the environment that may present a health and safety risk, such as would be experienced from the eventual failure of the underground HLW storage tanks. Under this alternative, no portion of the Project Premises or the Center would be released for any present or future use.

Alternative 5—No Action (Walk Away)

This alternative involves the cessation of all management and oversight of the Center and all facilities located upon the Center property, including the WVDP, immediately after implementation of DOE's Record of Decision for the WVDP Waste Management EIS. The Process Building, Waste Tank Farm, Vitrification Facility, North Plateau groundwater plume, NDA, SDA, and other smaller facilities would remain and would not be monitored or maintained. Unmitigated natural processes, including erosion, groundwater transport of contamination, and concrete degradation, would be assumed to occur. The purpose of evaluating this alternative is to establish the basis against which the environmental impacts from all other decommissioning and/or long-term stewardship alternatives are compared.

Alternatives Considered But Eliminated From Further Evaluation

DOE does not consider the use of existing structures or construction of new aboveground facilities at the WVDP for indefinite storage of Project and non-Project LLW and mixed low-level waste (MLLW) to be a reasonable alternative for further consideration. Under the Waste Management Programmatic Environmental Impact Statement (WMPEIS, DOE/EIS-0200-F) Record of Decision, DOE decided that sites such as the WVDP would ship their LLW and MLLW to other DOE sites that have disposal capabilities for these wastes. (This decision did not preclude the use of commercial disposal facilities as well.) The construction, subsequent maintenance, and periodic replacement over time of new facilities for indefinite onsite waste storage at West Valley

would be impractical from a cost, programmatic, health, and environmental standpoint. Thus, given the capacity to safely and permanently disposition LLW and MLLW in available off site facilities, DOE would not consider indefinite onsite waste storage in new or existing facilities to be a viable waste management alternative for its decommissioning actions at the WVDP. For similar reasons, NYSERDA would use available commercial facilities for disposal of any non-Project LLW and MLLW that it may generate, in lieu of incurring the costs of new construction.

New Information To Be Evaluated

As discussed above, the NRC published its Final Policy Statement prescribing decommissioning criteria for the WVDP on February 1, 2002, stating that NRC intends to apply its License Termination Rule (10 CFR 20.1401 *et seq.*) as decommissioning criteria in assessing the health and environmental impacts of decommissioning the WVDP facilities. DOE and NYSERDA will utilize the NRC's Final Policy Statement and the License Termination Rule as the benchmark to develop and analyze their decommissioning alternatives in the Decommissioning and/or Long-Term Stewardship EIS.

For the 1996 Draft Cleanup and Closure EIS, DOE and NYSERDA developed or modified a variety of analytical tools specifically for that document. DOE has continued to refine many of these analytical tools as a result of public comments received on the 1996 Draft Cleanup and Closure EIS and ongoing interactions with stakeholders and regulatory agencies such as the NRC. DOE and NYSERDA intend to apply these improved analytical tools to the preparation of the Decommissioning and/or Long-Term Stewardship EIS. To address significant issues such as erosion, for example, DOE and NYSERDA have developed a site-specific erosion model, with ongoing advice from NRC, and integrated that model into a revised performance assessment methodology, incorporating the use of sensitivity and uncertainty analyses.

There are also some additional areas where new information has or will be obtained specifically for the Decommissioning and/or Long-Term Stewardship EIS. This work includes updated site characterization and census data and the performance of a seismic reflection survey in the vicinity of the Center. This seismic reflection survey, performed in consultation with academic, government, and industry participants, will contribute to

knowledge about the regional structural geology as it may relate to the WVDP and the Center.

Additional information that has become available since publication of the 1996 Draft Cleanup and Closure EIS includes DOE's WM PEIS and its associated Records of Decision. The WM PEIS analyzed on a national scale the centralization, regionalization, or decentralization of managing HLW, transuranic waste, low-level radioactive waste, mixed radioactive low-level waste (containing hazardous constituents), and non-wastewater hazardous waste.

Potential Environmental Issues for Analysis

DOE has tentatively identified the following issues for analysis in the Decommissioning and/or Long-Term Stewardship EIS. The list is presented to facilitate early comment on the scope of the EIS. It is not intended to be all-inclusive nor to predetermine the alternatives to be analyzed or their potential impacts.

- Potential impacts to the general population and on-site workers from radiological and non-radiological releases from decommissioning and/or long-term stewardship activities.
- Potential environmental impacts, including air and water quality impacts, caused by decommissioning and/or long-term stewardship activities.
- Potential transportation impacts from shipments of radioactive, hazardous, mixed, and clean waste generated during decommissioning activities.
- Potential impacts from postulated accidents.
- Potential costs for implementation and long-term stewardship of alternatives considered.
- Potential disproportionately high and adverse effects on low-income and minority populations (environmental justice).
- Potential Native American concerns.
- Irretrievable and irreversible commitment of resources.
- Short-term and long-term land use impacts.
- Ability of alternatives to meet the Comprehensive Environmental Response, Compensation and Liability Act risk range.
- Ability of alternatives to satisfy WVDP decommissioning criteria.
- Compliance with applicable Federal, State, and local requirements.
- Identification of Derived Concentration Guideline Limits, where appropriate.

- The influence of, and potential interactions of, any wastes remaining at the Center after decommissioning.

- Unavoidable adverse impacts.
- Issues associated with long-term site stewardship, including regulatory and engineering considerations, institutional controls, and land use restrictions, including the need for buffer areas.
- Long-term health and environmental impacts, including potential impacts on groundwater quality.
- Long-term site stability, including erosion and seismicity.
- Waste Incidental to Reprocessing.
- Disposition of wastes generated as a result of decommissioning and/or long-term stewardship activities.

Other Agency Involvement

Nuclear Regulatory Commission: NRC has the regulatory responsibility under the Atomic Energy Act for the Center, which is the subject of the NRC license issued to NYSERDA pursuant to 10 CFR part 50, with the exception of the SDA. The NRC license is currently in abeyance pending completion of the WVDP.

The WVDP Act specifies certain responsibilities for NRC, including: (1) Prescribing requirements for decontamination and decommissioning; (2) providing review and consultation to DOE on the Project; and (3) monitoring the activities under the Project for the purpose of assuring the public health and safety. NRC will participate as a cooperating agency under NEPA on the West Valley Decommissioning and/or Long-Term Stewardship EIS. NRC may adopt this EIS for determining that the preferred alternative meets NRC's decommissioning criteria, assuming that NRC will find the preferred alternative acceptable.

Notwithstanding the WVDP, NRC retains the regulatory responsibility for the non-DOE activity in the non-Project area and non-SDA area to the extent that contamination exists both on and offsite resulting from activities performed when the facility was operating under its NRC 10 CFR part 50 license. Following completion of the WVDP and reinstatement of the license, NRC will have the regulatory responsibility for authorizing termination of the license, should NYSERDA seek license termination.

United States Environmental Protection Agency: The United States Environmental Protection Agency (USEPA) will participate as a cooperating agency under NEPA on the West Valley Decommissioning and/or Long-Term Stewardship EIS. As a

cooperating agency, EPA will review the EIS and other documents developed by DOE in conjunction with NYSEDA to provide early input on the analyses of environmental impacts associated with the decommissioning alternatives to be analyzed.

New York State Department of Environmental Conservation: With respect to DOE proposed actions, NYSDEC will participate as a cooperating agency under NEPA on the West Valley Decommissioning and/or Long-Term Stewardship EIS. As a cooperating agency, NYSDEC will review the EIS and other documents developed by DOE in conjunction with NYSEDA to provide early input on the analyses of environmental impacts associated with the decommissioning alternatives to be analyzed, and as part of their regulatory responsibilities. NYSDEC will participate as an involved agency under SEQRA with respect to NYSEDA's proposed actions.

NYSDEC regulates the SDA through issuance of permits under 6 New York Codes, Rules and Regulations (NYCRR) Part 380 Rules and Regulations for Prevention and Control of Environmental Pollution by Radioactive Materials. NYSDEC also regulates hazardous and mixed waste at the Center pursuant to 6 NYCRR Part 370 Series. This includes permitting activities under Interim Status for RCRA regulated units and Corrective Action Requirements for investigation and if necessary, remediation of hazardous constituents from Solid Waste Management Units.

NYSDEC is also responsible for ensuring compliance with the 1992 joint NYSDEC/USEPA 3008 (h) [New York State Environmental Conservation Law, Article 27, Titles 9 and 13] Order issued to the DOE and NYSEDA. The Order required investigation of solid waste management units, performance of interim corrective measures, and completion of Corrective Measures Studies, if necessary. NYSDEC and EPA intend to accommodate the DOE's and NYSEDA's efforts to coordinate and integrate the EIS process pursuant to the Order.

Public Scoping Meetings

DOE and NYSEDA will hold two public scoping meetings on the Decommissioning and/or Long-Term Stewardship EIS at the Ashford Office Complex, located at 9030 Route 219 in the Town of Ashford, NY, from 7 to 9:30 p.m. on April 9 and April 10, 2003. The purpose of scoping is to encourage public involvement and solicit public comments on the proposed scope and content of the EIS. Requests to speak at

the public meeting should be made by calling or writing the DOE Document Manager (*see ADDRESSES*, above). Speakers will be scheduled on a first-come, first-served basis. Individuals may sign up at the door to speak and will be accommodated as time permits. Written comments will also be accepted at the meeting. Speakers are encouraged to provide written versions of their oral comments for the record.

The meetings will be facilitated by a moderator. Time will be provided for meeting attendees to ask clarifying questions. Individuals requesting to speak on behalf of an organization must identify the organization. Each speaker will be allowed five minutes to present comments unless more time is requested and available. Comments will be recorded by a court reporter and will become part of the scoping meeting record.

These two public scoping meetings will be held during a public scoping comment period. The comment period begins with publication of this NOI and will formally close on April 28, 2003. Comments received after this date will be considered to the extent practical. Comments provided during scoping will be addressed in the revised draft Decommissioning and/or Long-Term Stewardship EIS. Written comments will be received during the scoping period either in writing, by facsimile, or by email to Mr. Daniel Sullivan, DOE Document Manager (*see ADDRESSES*, above, for contact information).

Schedule

The DOE intends to issue the draft Decommissioning and/or Long-Term Stewardship EIS as early as December 2003. A public comment period of up to 180 days will start upon publication of the EPA's **Federal Register** Notice of Availability. DOE will consider and respond to comments received on the draft Decommissioning and/or Long-Term Stewardship EIS in preparing the final EIS.

Comments received during the 1989 scoping process and from the public comment period on the 1996 Cleanup and Closure EIS (DOE/EIS-0226-D) will be considered in the Decommissioning and/or Long-Term Stewardship EIS.

Public Reading Rooms

Documents referenced in this Notice of Intent and related information are available at the following locations: Central Buffalo Public Library Science and Technology Department, Lafayette Square, Buffalo, New York 14203, (716) 858-7098; The Olean Public Library, 134 North 2nd Street, Olean, New York 14760, (716) 372-0200; The Hulbert

Library of the Town of Concord, 18 Chapel Street, Springville, New York 14141, (716) 592-7742; West Valley Central School Library, 5359 School Street, West Valley, New York 14141, (716) 942-3261; Ashford Office Complex, 9030 Route 219, West Valley, New York 14171, (716) 942-4555.

Issued in Washington, DC on March 7, 2003.

Beverly A. Cook,

Assistant Secretary, Environment, Safety and Health.

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